

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Elijah K. Brown,

:

Plaintiff : Civil Action 2:06-cv-00495

v. : Judge Frost

Oliver W. Moore, *et al.*, : Magistrate Judge Abel

Defendants :

Order

Plaintiff Elijah K. Brown brought this civil rights action alleging that defendants Oliver W. Moore and Sally Jones falsified a criminal complaint by misidentifying him as Joseph Andrew Brown. This matter is before the Court on Magistrate Judge Abel's July 18, 2006 Report and Recommendation on initial screening, which recommended that the Complaint be dismissed because it fails to allege the basis for the Court to exercise subject matter jurisdiction and it fails to state a claim upon which relief can be granted against defendants.

No objections have been filed to the Report and Recommendation. Upon *de novo* review as required by 28 U.S.C. § 636(b)(1)(B), the Court ADOPTS the Report and Recommendation. The Complaint alleges that defendants Moore and Jones knew that plaintiff's name was Elijah K. Brown, but that they filed a criminal complaint against him on May 2, 2006 naming him as Joseph A. Brown. As the Magistrate Judge found, the Complaint fails to explicitly allege a basis for this Court to exercise subject matter jurisdiction as required by Rule 8(a), Fed. R. Civ. P. Further, no basis for federal subject matter jurisdiction implicitly appears on the face of the complaint. Moreover, assuming that the Complaint is intended to allege a claim under 42 U.S.C.

§ 1983, there is no right under the Fourth Amendment that the charging documents use the arrestee's "true name."

Accordingly, the Complaint is DISMISSED on initial screening because it fails to allege the grounds for the court to assert subject matter jurisdiction and it fails to state a claim for relief. The Clerk of Courts is DIRECTED to enter JUDGMENT dismissing this case because the Complaint fails to allege the grounds for the Court to assert subject matter jurisdiction and it fails to state a claim for relief.

/s/ Gregory L. Frost
Gregory L. Frost
United States District Judge